UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Docket No. '07 MJ 2294
v.	)	COMPLAINT FOR VIOLATION OF:
Juan GOMEZ-Gonzalez, Defendant	)	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **September 22, 2007** within the Southern District of California, defendant, **Juan GOMEZ-Gonzalez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **24th** **DAY** OF **SEPTEMBER, 2007**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

wsl

CONTINUATION OF COMPLAINT:
Juan GOMEZ-Gonzalez

PROBABLE CAUSE STATEMENT

On September 22, 2007 at approximately 11:15 A.M., Senior Patrol Agent Petras encountered the defendant **Juan GOMEZ-Gonzalez**, a previously deported illegal alien from Mexico, approximately 12 miles east and 1 mile north of the Tecate, California Port of Entry near an area commonly referred to as "Star Ranch Flats".

Agent Petras, driving a marked Border Patrol vehicle and in full Border Patrol uniform, initially observed the defendant walking along the shoulder of State Route 94 in the rain. Agent Petras noted that the defendant appeared as if he had been out in the weather for several hours; he had dirt on his face and clothes and was hunched up while walking as if he was very cold. This area is along a straight stretch of highway with very few residential areas nearby. Agent Petras parked his marked Border Patrol vehicle on the shoulder of SR 94 near the defendant, rolled his window down and asked the defendant how he was doing. The defendant approached Agent Petras and told him in English that he was walking. Agent Petras asked the defendant where he was going and the defendant stated that he was going home. Agent Petras asked the defendant where he lived and he pointed off into the distance. Agent Petras asked the defendant where he was from and he stated that he was from Los Angeles, California.

Agent Petras exited his vehicle, approached the defendant, and inquired as to his citizenship. In mixed English and Spanish, the defendant freely and willingly admitted to being a citizen and national of Mexico, in the United States illegally and without being in possession of any immigration documents that would allow him to be or remain here legally. Agent Petras arrested the defendant and arranged for him to be transported to the Tecate Processing Center in Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 17, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights. The defendant stated that he understood these rights and agreed to speak without a lawyer present. The defendant stated that he was in fact a citizen of Mexico, in the United States illegally and without having any United States immigration documents in his possession. The defendant admitted that he knew he had entered the United States illegally the night before by crossing the border on foot with a group of people.